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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BEAUTYBANK INC.

Plaintiff,

v.

HARVEY PRINCE LLP, KUMAR RAMANI,
AGELESS FANTASY LLC, AGELESS
CONCEPTS, INC., FRAGRANCEX.COM,
INC., and TAMAK, INC.

Civ. Action No. 10 CV 955 (AJN)

NOTICE OF MOTION

Defendants.

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PLEASE TAKE NOTICE that upon the declarations of Ira S. Sacks dated March 26, 2012, Rita M. Odin dated March 26, 2012, Julie Howard dated March 20, 2012, Lincoln Abbott dated March 19, 2012, John Cammarata dated March 22, 2012, Paul Kelaher dated March 23, 2012, and Michael LaMalfa dated March 21, 2012, and the exhibits annexed thereto, Plaintiff's Statement of Material Facts Pursuant to Local Rule 56.1, and the accompanying Memorandum of Law In Support of Plaintiff's Motion For Partial Summary Judgment, Plaintiff, BeautyBank Inc. ("BeautyBank") shall move this Court before the Honorable J. Alison Nathan, United States District Judge, at the Courthouse, 500 Pearl Street, New York, New York, at such time and date as the Court directs, for an Order pursuant to Federal Rule of Civil Procedure 56

(i) granting BeautyBank partial summary judgment on the issue of liability on its (a) First Claim for Relief for Federal Trademark Infringement, (b) Second Claim for Relief for False Designation of Origin, (c) Fourth Claim for Relief for False Advertising, and (d) Fifth Claim for Relief for Common Law Trademark Infringement and Unfair Competition;

(ii) granting BeautyBank a permanent injunction and an order of seizure; and

(iii) granting BeautyBank summary judgment dismissing the counterclaims brought by Defendants, Kumar Ramani (“Ramani”), Ageless Fantasy LLC (“Ageless Fantasy”), and Ageless Concepts, Inc. (“Ageless Concepts”) (collectively, “Defendants”) for cancellation of certain of Plaintiff’s registered trademarks and for unclean hands.

Dated: New York, New York
April 9, 2012

AKERMAN SENTERFITT LLP

By: s/ Ira S Sacks
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